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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,981	02/20/2004	Rafail Zubok	SPINE 3.0-437PPPPPP11P	7131
530 7590 07/09/2009 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER PELLEGRINO, BRIAN E				
ART UNIT 3738		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Rule 312 Communication**Application No.**

10/782,981

Applicant(s)

ZUBOK ET AL.

Examiner

Brian E. Pellegrino

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 20 May 2009 under 37 CFR 1.312 has been considered, and has been:

- a) ☐ entered.
- b) ☐ entered as directed to matters of form not affecting the scope of the invention.
- c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

- d) ☐ disapproved. See explanation below.
- e) ☒ entered in part. See explanation below.

The amendment to the specification to correct the continuity is entered. However, the additional use of titles for applications and abbreviations of applications i.e. "the '081" patent will not be entered and will not be included in the specification. According to MPEP, 35 U.S.C. 120 only requires continuity to be established by the relationship to a prior application with its number and/ or patent if it has issued.

/Brian E. Pellegrino/
Primary Examiner, Art Unit 3738